

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

PETER MICHAEL ARENA,

Plaintiff,

v.

CERVANTES, *et al.*,

Defendants.

Case No. 1:21-cv-00928-JLT-BAM (PC)

ORDER GRANTING REQUEST TO OPT
OUT OF POST-SETTLEMENT ADR AND
REQUEST TO VACATE SETTLEMENT
CONFERENCE
(ECF No. 31)

ORDER LIFTING STAY OF PROCEEDINGS

ORDER VACATING MARCH 30, 2022
SETTLEMENT CONFERENCE
(ECF No. 29)

ORDER DIRECTING CLERK OF COURT TO
ISSUE DISCOVERY AND SCHEDULING
ORDER

Plaintiff Peter Michael Arena (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds against Defendants Cervantes, Berlanga, Cerda-Jirano, Moreno, and Ceja for excessive force in violation of the Eighth Amendment.

On January 25, 2022, the Court identified this case as an appropriate case for the post-screening ADR (Alternative Dispute Resolution) project, and stayed the action to allow the parties an opportunity to settle their dispute before the discovery process begins. (ECF No. 29.) The Court’s order granted Defendants time to investigate and determine whether to opt out of the

1 post-screening ADR project.

2 On February 24, 2022, Defendants filed a request to opt out of post-settlement ADR and
3 request to vacate settlement conference. (ECF No. 31.) Therefore, the stay is lifted, and the
4 March 30, 2022, settlement conference is vacated. This case is now ready to proceed.

5 If the parties wish to set a settlement conference with the Court at a later date, they should
6 so inform the Court. However, the parties are also reminded that they are not precluded from
7 negotiating a settlement without judicial assistance.

8 Accordingly, IT IS HEREBY ORDERED that:

- 9 1. Defendants' request to opt out of post-settlement ADR and request to vacate
10 settlement conference, (ECF No. 31), is GRANTED;
- 11 2. The stay of this action, (ECF No. 29), is LIFTED;
- 12 3. The March 30, 2022 settlement conference is VACATED;
- 13 4. The Clerk of the Court is DIRECTED to issue a discovery and scheduling order;
14 and
- 15 5. The parties may proceed with discovery pursuant to the discovery and scheduling
16 order to be issued by separate order.

17
18 IT IS SO ORDERED.

19 Dated: March 1, 2022

/s/ Barbara A. McAuliffe
20 UNITED STATES MAGISTRATE JUDGE